

109TH CONGRESS
1ST SESSION

S. 525

To amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, to improve early learning opportunities and promote school preparedness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2005

Mr. ALEXANDER (for himself, Mr. DODD, Mr. ENZI, Mr. KENNEDY, Mr. HATCH, and Mr. ROBERTS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, to improve early learning opportunities and promote school preparedness, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Caring for Children Act of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT
OF 1990

Sec. 101. Short title and goals.

Sec. 102. Authorization of appropriations.

Sec. 103. Lead agency.

Sec. 104. State plan.

Sec. 105. Activities to improve the quality of child care.

Sec. 106. Optional priority use of additional funds.

Sec. 107. Reporting requirements.

Sec. 108. National activities.

Sec. 109. Allocation of funds for Indian tribes, quality improvement, and a hotline.

Sec. 110. Definitions.

Sec. 111. Rules of construction.

TITLE II—ENHANCING SECURITY AT CHILD CARE CENTERS IN
FEDERAL FACILITIES

Sec. 201. Definitions.

Sec. 202. Enhancing security.

TITLE III—REMOVAL OF BARRIERS TO INCREASING THE SUPPLY
OF QUALITY CHILD CARE

Sec. 301. Small business child care grant program.

1 **TITLE I—CHILD CARE AND DE-**
2 **VELOPMENT BLOCK GRANT**
3 **ACT OF 1990**

4 **SEC. 101. SHORT TITLE AND GOALS.**

5 (a) HEADING.—Section 658A of the Child Care and
6 Development Block Grant Act of 1990 (42 U.S.C. 9801
7 note) is amended by striking the section heading and in-
8 serting the following:

9 **“SEC. 658A. SHORT TITLE AND GOALS.”.**

10 (b) GOALS.—Section 658A(b) of the Child Care and
11 Development Block Grant Act of 1990 (42 U.S.C. 9801
12 note) is amended—

1 (1) in paragraph (3), by striking “encourage”
2 and inserting “assist”;

3 (2) in paragraph (4), by striking “parents” and
4 all that follows and inserting “low-income working
5 parents;”;

6 (3) by redesignating paragraph (5) as para-
7 graph (8); and

8 (4) by inserting after paragraph (4) the fol-
9 lowing:

10 “(5) to assist States in improving the quality of
11 child care available to families;

12 “(6) to promote school preparedness by encour-
13 aging children, families, and caregivers to engage in
14 developmentally appropriate and age-appropriate ac-
15 tivities in child care settings that will—

16 “(A) improve the children’s social, emo-
17 tional, and behavioral skills; and

18 “(B) foster their early cognitive, pre-read-
19 ing, and language development, and
20 prenumeracy and mathematics skills;

21 “(7) to promote parental and family involve-
22 ment in the education of young children in child care
23 settings; and”.

1 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 658B of the Child Care and Development
3 Block Grant Act of 1990 (42 U.S.C. 9858) is amended
4 by striking “subchapter” and all that follows and inserting
5 “subchapter \$2,300,000,000 for fiscal year 2006,
6 \$2,500,000,000 for fiscal year 2007, \$2,700,000,000 for
7 fiscal year 2008, \$2,900,000,000 for fiscal year 2009, and
8 \$3,100,000,000 for fiscal year 2010.”.

9 **SEC. 103. LEAD AGENCY.**

10 Section 658D(a) of the Child Care and Development
11 Block Grant Act of 1990 (42 U.S.C. 9858b(a)) is amend-
12 ed by striking “designate” and all that follows and insert-
13 ing “designate an agency (which may be an appropriate
14 collaborative agency), or establish a joint interagency of-
15 fice, that complies with the requirements of subsection (b)
16 to serve as the lead agency for the State under this sub-
17 chapter.”.

18 **SEC. 104. STATE PLAN.**

19 (a) LEAD AGENCY.—Section 658E(c)(1) of the Child
20 Care and Development Block Grant Act of 1990 (42
21 U.S.C. 9858c(c)(1)) is amended by striking “designated”
22 and inserting “designated or established”.

23 (b) POLICIES AND PROCEDURES.—Section
24 658E(c)(2) of the Child Care and Development Block
25 Grant Act of 1990 (42 U.S.C. 9858c(c)(2)) is amended—

1 (1) in subparagraph (A)(i)(II), by striking “sec-
2 tion 658P(2)” and inserting “section 658T(2)”;

3 (2) by striking subparagraph (D) and inserting
4 the following:

5 “(D) CONSUMER AND CHILD CARE PRO-
6 VIDER EDUCATION INFORMATION.—Certify that
7 the State will—

8 “(i) collect and disseminate, through
9 resource and referral services and other
10 means as determined by the State, to par-
11 ents of eligible children, child care pro-
12 viders, and the general public, information
13 regarding—

14 “(I) the promotion of informed
15 child care choices, including informa-
16 tion about the quality and availability
17 of child care services;

18 “(II) research and best practices
19 concerning children’s development, in-
20 cluding early cognitive development;

21 “(III) the availability of assist-
22 ance to obtain child care services; and

23 “(IV) other programs for which
24 families that receive child care serv-
25 ices for which financial assistance is

1 provided under this subchapter may
2 be eligible, including the food stamp
3 program established under the Food
4 Stamp Act of 1977 (7 U.S.C. 2011 et
5 seq.), the special supplemental nutri-
6 tion program for women, infants, and
7 children established by section 17 of
8 the Child Nutrition Act of 1966 (42
9 U.S.C. 1786), the child and adult care
10 food program established under sec-
11 tion 17 of the Richard B. Russell Na-
12 tional School Lunch Act (42 U.S.C.
13 1766), and the medicaid and State
14 children's health insurance programs
15 under titles XIX and XXI of the So-
16 cial Security Act (42 U.S.C. 1396 et
17 seq. and 1397aa et seq.); and
18 “(ii) report to the Secretary the man-
19 ner in which the consumer education infor-
20 mation described in clause (i) was provided
21 to parents and the number of parents to
22 whom such consumer education informa-
23 tion was provided, during the period of the
24 previous State plan.”;

(3) by striking subparagraph (E) and inserting the following:

“(E) COMPLIANCE WITH STATE AND TRIBAL LICENSING REQUIREMENTS.—

“(i) IN GENERAL.—Certify that the State (or the Indian tribe or tribal organization) involved has in effect licensing requirements applicable to child care services provided within the State (or area served by the tribe or organization), and provide a detailed description of such requirements and of how such requirements are effectively enforced.

“(ii) CONSTRUCTION.—Nothing in clause (i) shall be construed to require that licensing requirements be applied to specific types of providers of child care services.”;

(4) in subparagraph (F)—

(A) in the first sentence, by striking “within the State, under State or local law,” and inserting “within the State (or area served by the Indian tribe or tribal organization), under State or local law (or tribal law),”; and

(B) in the second sentence, by striking “State or local law” and inserting “State or local law (or tribal law)”; and
 (5) by adding at the end the following:

“(I) PROTECTION FOR WORKING PARENTS.—

“(i) REDETERMINATION PROCESS.—
 Describe the procedures and policies that are in place to ensure that working parents (especially parents in families receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) are not required to unduly disrupt their employment in order to comply with the State’s requirements for redetermination of eligibility for assistance under this subchapter.

“(ii) MINIMUM PERIOD.—Demonstrate that each child that receives assistance under this subchapter in the State will receive such assistance for not less than 6 months before the State redetermines the eligibility of the child under this subchapter, except as provided in clause (iii).

1 “(iii) PERIOD BEFORE TERMI-
2 NATION.—At the option of the State, dem-
3 onstrate that the State will not terminate
4 assistance under this subchapter based on
5 a parent’s loss of work or cessation of at-
6 tendance at a job training or educational
7 program for which the family was receiving
8 the assistance, without continuing the as-
9 sistance for a reasonable period of time, of
10 not less than 1 month, after such loss or
11 cessation in order for the parent to engage
12 in a job search and resume work, or re-
13 sume attendance of a job training or edu-
14 cational program, as soon as possible.

15 “(J) COORDINATION WITH OTHER PRO-
16 GRAMS.—Describe how the State, in order to
17 expand accessibility and continuity of quality
18 early care and early education, will coordinate
19 the early childhood education activities assisted
20 under this subchapter with—

21 “(i) programs carried out under the
22 Head Start Act (42 U.S.C. 9831 et seq.),
23 including the Early Head Start programs
24 carried out under section 645A of that Act
25 (42 U.S.C. 9840a);

1 “(ii)(I) Early Reading First and Even
 2 Start programs carried out under subparts
 3 2 and 3 of part B of title I of the Elemen-
 4 tary and Secondary Education Act of 1965
 5 (20 U.S.C. 6371 et seq., 6381 et seq.);

6 “(II) other preschool programs carried
 7 out under title I of that Act (20 U.S.C.
 8 6301 et seq.); and

9 “(III) the Ready-to-Learn Television
 10 program carried out under subpart 3 of
 11 part D of title II of the Elementary and
 12 Secondary Education Act of 1965 (20
 13 U.S.C. 6775 et seq.);

14 “(iii) programs carried out under sec-
 15 tion 619 and part C of the Individuals
 16 with Disabilities Education Act;

17 “(iv) State prekindergarten programs;
 18 and

19 “(v) other early childhood education
 20 programs.

21 “(K) TRAINING IN EARLY LEARNING AND
 22 CHILDHOOD DEVELOPMENT.—Describe any
 23 training requirements that are in effect within
 24 the State that are designed to enable child care
 25 providers to promote the social, emotional,

1 physical, and cognitive development of children
 2 and that are applicable to child care providers
 3 that provide services for which assistance is
 4 made available under this subchapter in the
 5 State.

6 “(L) PUBLIC-PRIVATE PARTNERSHIPS.—
 7 Demonstrate how the State is encouraging
 8 partnerships among State agencies, other public
 9 agencies, and private entities, to leverage exist-
 10 ing service delivery systems (as of the date of
 11 submission of the State plan) for early child-
 12 hood education and to increase the supply and
 13 quality of child care services for children who
 14 are less than 13 years of age.

15 “(M) ACCESS TO CARE FOR CERTAIN POP-
 16 ULATIONS.—Demonstrate how the State is ad-
 17 dressing the child care needs of parents eligible
 18 for child care services for which assistance is
 19 provided under this subchapter, who have chil-
 20 dren with special needs, work nontraditional
 21 hours, or require child care services for infants
 22 and toddlers.

23 “(N) COORDINATION WITH TITLE IV OF
 24 THE SOCIAL SECURITY ACT.—Describe how the
 25 State will inform parents receiving assistance

1 under a State program funded under part A of
 2 title IV of the Social Security Act (42 U.S.C.
 3 601 et seq.) and low-income parents about eligi-
 4 bility for assistance under this subchapter.”.

5 (c) USE OF BLOCK GRANT FUNDS.—Section
 6 658E(c)(3) the Child Care and Development Block Grant
 7 Act of 1990 (42 U.S.C. 9858c(c)(3)) is amended—

8 (1) in subparagraph (A), by striking “as re-
 9 quired under” and inserting “in accordance with”;
 10 and

11 (2) in subparagraph (B)—

12 (A) by striking “The State” and inserting
 13 the following:

14 “(i) IN GENERAL.—The State”;

15 (B) in clause (i) (as designated in subpara-
 16 graph (A)), by striking “appropriate to realize
 17 any of the goals specified in paragraphs (2)
 18 through (5) of section 658A(b)” and inserting
 19 “appropriate (which may include an activity de-
 20 scribed in clause (ii)) to realize any of the goals
 21 specified in paragraphs (2) through (8) of sec-
 22 tion 658A(b)”;

23 (C) by adding at the end the following:

24 “(ii) CHILD CARE RESOURCE AND RE-
 25 FERRAL SYSTEM.—A State may use

1 amounts described in clause (i) to establish
2 or support a system of local child care re-
3 source and referral organizations coordi-
4 nated, to the extent determined appro-
5 priate by the State, by a statewide private,
6 nonprofit, community-based lead child care
7 resource and referral organization. The
8 local child care resource and referral orga-
9 nizations shall—

10 “(I) provide parents in the State
11 with information, and consumer edu-
12 cation, concerning the full range of
13 child care options, including child care
14 provided during nontraditional hours
15 and through emergency child care
16 centers, in their communities;

17 “(II) collect and analyze data on
18 the supply of and demand for child
19 care in political subdivisions within
20 the State;

21 “(III) submit reports to the State
22 containing data and analysis described
23 in clause (II); and

24 “(IV) work to establish partner-
25 ships with public agencies and private

1 entities to increase the supply and
2 quality of child care services.”.

3 (d) DIRECT SERVICES.—Section 658E(c)(3) of the
4 Child Care and Development Block Grant Act of 1990 (42
5 U.S.C. 9858c(c)(3)) is amended—

6 (1) in subparagraph (A), by striking “(D)” and
7 inserting “(E)”; and

8 (2) by adding at the end the following:

9 “(E) DIRECT SERVICES.—From amounts
10 provided to a State for a fiscal year to carry
11 out this subchapter, the State shall—

12 “(i) reserve the minimum amount re-
13 quired to be reserved under section 658G,
14 and the funds for costs described in sub-
15 paragraph (C); and

16 “(ii) from the remainder, use not less
17 than 70 percent to fund direct services (as
18 defined by the State).”.

19 (e) PAYMENT RATES.—Section 658E(c)(4) of the
20 Child Care and Development Block Grant Act of 1990 (42
21 U.S.C. 9858c(c)(4)) is amended—

22 (1) in subparagraph (A), by striking “The
23 State plan” and all that follows and inserting the
24 following:

25 “(i) SURVEY.—The State plan shall—

1 “(I) demonstrate that the State
2 has, after consulting with local area
3 child care program administrators, de-
4 veloped and conducted a statistically
5 valid and reliable survey of the market
6 rates for child care services in the
7 State (that reflects variations in the
8 cost of child care services by geo-
9 graphic area, type of provider, and
10 age of child) within the 2 years pre-
11 ceding the date of the submission of
12 the application containing the State
13 plan;

14 “(II) detail the results of the
15 State market rates survey conducted
16 pursuant to subclause (I);

17 “(III) describe how the State will
18 provide for timely payment for child
19 care services, and set payment rates
20 for child care services, for which as-
21 sistance is provided under this sub-
22 chapter in accordance with the results
23 of the market rates survey conducted
24 pursuant to subclause (I) without re-
25 ducing the number of families in the

1 State receiving such assistance under
 2 this subchapter, relative to the num-
 3 ber of such families on the date of in-
 4 troduction of the Caring for Children
 5 Act of 2005; and

6 “(IV) describe how the State will,
 7 not later than 30 days after the com-
 8 pletion of the survey described in sub-
 9 clause (I), make the results of the
 10 survey widely available through public
 11 means, including posting the results
 12 on the Internet.

13 “(ii) EQUAL ACCESS.—The State plan
 14 shall include a certification that the pay-
 15 ment rates are sufficient to ensure equal
 16 access for eligible children to child care
 17 services comparable to child care services
 18 in the State or substate area that are pro-
 19 vided to children whose parents are not eli-
 20 gible to receive child care assistance under
 21 any Federal or State program.”; and

22 (2) in subparagraph (B)—

23 (A) by striking “Nothing” and inserting
 24 the following:

1 “(i) NO PRIVATE RIGHT OF ACTION.—
2 Nothing”; and

3 (B) by adding at the end the following:

4 “(ii) NO PROHIBITION OF CERTAIN
5 DIFFERENT RATES.—Nothing in this sub-
6 chapter shall be construed to prevent a
7 State from differentiating the payment
8 rates described in subparagraph (A) on the
9 basis of—

10 “(I) geographic location of child
11 care providers (such as location in an
12 urban or rural area);

13 “(II) the age or particular needs
14 of children (such as children with spe-
15 cial needs and children served by child
16 protective services);

17 “(III) whether the providers pro-
18 vide child care during weekend and
19 other nontraditional hours; and

20 “(IV) the State’s determination
21 that such differentiated payment rates
22 are needed to enable a parent to
23 choose child care that the parent be-
24 lieves to be of high quality.”.

1 **SEC. 105. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD**
 2 **CARE.**

3 Section 658G of the Child Care and Development
 4 Block Grant Act of 1990 (42 U.S.C. 9858e) is amended
 5 to read as follows:

6 **“SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF**
 7 **CHILD CARE.**

8 “(a) IN GENERAL.—

9 “(1) RESERVATION.—Each State that receives
 10 funds to carry out this subchapter for a fiscal year
 11 shall reserve and use not less than 6 percent of the
 12 funds for activities provided directly, or through
 13 grants or contracts with resource and referral orga-
 14 nizations or other appropriate entities, that are de-
 15 signed to improve the quality of child care services.

16 “(2) ACTIVITIES.—The funds reserved under
 17 paragraph (1) may only be used to—

18 “(A) develop and implement voluntary
 19 guidelines on pre-reading and language skills
 20 and activities, and prenumeracy and mathe-
 21 matics skills and activities, for child care pro-
 22 grams in the State, that are aligned with State
 23 standards for kindergarten through grade 12 or
 24 the State’s general goals for school prepared-
 25 ness;

“(B) support activities and provide technical assistance in Federal, State, and local child care settings to enhance early learning for preschool and school-aged children, to promote literacy, to foster school preparedness, and to support later school success;

“(C) offer training, professional development, and educational opportunities for child care providers that relate to the use of developmentally appropriate and age-appropriate curricula, and early childhood teaching strategies, that are scientifically based and aligned with the social, emotional, physical, and cognitive development of children, including—

“(i) developing and operating distance learning child care training infrastructures;

“(ii) developing model technology-based training courses;

“(iii) offering training for caregivers in informal child care settings; and

“(iv) offering training for child care providers who care for infants and toddlers and children with special needs.

“(D) engage in programs designed to increase the retention and improve the com-

1 petencies of child care providers, including wage
2 incentive programs and initiatives that establish
3 tiered payment rates for providers that meet or
4 exceed child care services guidelines, as defined
5 by the State;

6 “(E) evaluate and assess the quality and
7 effectiveness of child care programs and serv-
8 ices offered in the State to young children on
9 improving overall school preparedness; and

10 “(F) carry out other activities determined
11 by the State to improve the quality of child care
12 services provided in the State and for which
13 measurement of outcomes relating to improved
14 child safety, child well-being, or school pre-
15 paredness is possible.

16 “(b) CERTIFICATION.—Beginning with fiscal year
17 2006, the State shall annually submit to the Secretary a
18 certification in which the State certifies that the State was
19 in compliance with subsection (a) during the preceding fis-
20 cal year and describes how the State used funds made
21 available to carry out this subchapter to comply with sub-
22 section (a) during that preceding fiscal year.

23 “(c) STRATEGY.—The State shall annually submit to
24 the Secretary—

1 “(1) beginning with fiscal year 2006, an outline
2 of the strategy the State will implement during that
3 fiscal year to address the quality of child care serv-
4 ices for which financial assistance is made available
5 under this subchapter, including—

6 “(A) a statement specifying how the State
7 will address the activities carried out under sub-
8 section (a);

9 “(B) a description of quantifiable, objective
10 measures that the State will use to evaluate the
11 State’s progress in improving the quality of the
12 child care services (including measures regard-
13 ing the impact, if any, of State efforts to im-
14 prove the quality by increasing payment rates,
15 as defined in section 658H(c)), evaluating sepa-
16 rately the impact of the activities listed in each
17 of such subparagraphs on the quality of the
18 child care services; and

19 “(C) a list of State-developed child care
20 services quality targets quantified for such fis-
21 cal year for such measures; and

22 “(2) beginning with fiscal year 2007, a report
23 on the State’s progress in achieving such targets for
24 the preceding fiscal year.

1 “(d) IMPROVEMENT PLAN.—If the Secretary deter-
 2 mines that a State failed to make progress as described
 3 in subsection (c)(2) for a fiscal year—

4 “(1) the State shall submit an improvement
 5 plan that describes the measures the State will take
 6 to make that progress; and

7 “(2) the State shall comply with the improve-
 8 ment plan by a date specified by the Secretary but
 9 not later than 1 year after the date of the deter-
 10 mination.

11 “(e) CONSTRUCTION.—Nothing in this subchapter
 12 shall be construed to require that the State apply meas-
 13 ures for evaluating quality of child care services to specific
 14 types of child care providers.”.

15 **SEC. 106. OPTIONAL PRIORITY USE OF ADDITIONAL FUNDS.**

16 The Child Care and Development Block Grant Act
 17 of 1990 is amended by inserting after section 658G (42
 18 U.S.C. 9858e) the following:

19 **“SEC. 658H. OPTIONAL PRIORITY USE OF ADDITIONAL**
 20 **FUNDS.**

21 “(a) IN GENERAL.—If a State receives funds to carry
 22 out this subchapter for a fiscal year, and the amount of
 23 the funds exceeds the amount of funds the State received
 24 to carry out this subchapter for fiscal year 2005, the State
 25 shall consider using a portion of the excess—

1 “(1) to support payment rate increases in ac-
 2 cordance with the market rate survey conducted pur-
 3 suant to section 658E(c)(4);

4 “(2) to support the establishment of tiered pay-
 5 ment rates as described in section 658G(a)(2)(D);
 6 and

7 “(3) to support payment rate increases for care
 8 for children in communities served by local edu-
 9 cational agencies that have been identified for im-
 10 provement under section 1116(c)(3) of the Elemen-
 11 tary and Secondary Education Act of 1965 (20
 12 U.S.C. 6316(c)(3)).

13 “(b) NO REQUIREMENT TO REDUCE CHILD CARE
 14 SERVICES.—Nothing in this section shall be construed to
 15 require a State to take an action that the State determines
 16 would result in a reduction of child care services to fami-
 17 lies of eligible children.

18 “(c) PAYMENT RATE.—In this section, the term ‘pay-
 19 ment rate’ means the rate of State payment or reimburse-
 20 ment to providers for subsidized child care.”.

21 **SEC. 107. REPORTING REQUIREMENTS.**

22 (a) HEADING.—Section 658K of the Child Care and
 23 Development Block Grant Act of 1990 (42 U.S.C. 9858i)
 24 is amended by striking the section heading and inserting
 25 the following:

1 **“SEC. 658K. REPORTS AND AUDITS.”.**

2 (b) REQUIRED INFORMATION.—Section 658K(a) of
3 the Child Care and Development Block Grant Act of 1990
4 (42 U.S.C. 9858i(a)) is amended to read as follows:

5 “(a) REPORTS.—

6 “(1) IN GENERAL.—A State that receives funds
7 to carry out this subchapter shall collect the infor-
8 mation described in paragraph (2) on a monthly
9 basis.

10 “(2) REQUIRED INFORMATION.—The informa-
11 tion required under this paragraph shall include,
12 with respect to a family unit receiving assistance
13 under this subchapter, information concerning—

14 “(A) family income;

15 “(B) county of residence;

16 “(C) the gender, race, and age of children
17 receiving such assistance;

18 “(D) whether the head of the family unit
19 is a single parent;

20 “(E) the sources of family income, includ-
21 ing—

22 “(i) employment, including self-em-
23 ployment; and

24 “(ii) assistance under a State pro-
25 gram funded under part A of title IV of
26 the Social Security Act (42 U.S.C. 601 et

1 seq.) and a State program for which State
2 spending is counted toward the mainte-
3 nance of effort requirement under section
4 409(a)(7) of the Social Security Act (42
5 U.S.C. 609(a)(7));

6 “(F) the type of child care in which the
7 child was enrolled (such as family child care,
8 home care, center-based child care, or other
9 types of child care described in section
10 658T(5));

11 “(G) whether the child care provider in-
12 volved was a relative;

13 “(H) the cost of child care for such family,
14 separately stating the amount of the subsidy
15 payment of the State and the amount of the co-
16 payment of the family toward such cost;

17 “(I) the average hours per month of such
18 care;

19 “(J) household size;

20 “(K) whether the parent involved reports
21 that the child has an individualized education
22 program or an individualized family service
23 plan, as such terms are defined in section 602
24 of the Individuals with Disabilities Education
25 Act; and

1 “(L) the reason for any termination of
2 benefits under this subchapter, including wheth-
3 er the termination was due to—

4 “(i) the child’s age exceeding the al-
5 lowable limit;

6 “(ii) the family income exceeding the
7 State eligibility limit;

8 “(iii) the State recertification or ad-
9 ministrative requirements not being met;

10 “(iv) parent work, training, or edu-
11 cation status no longer meeting State re-
12 quirements;

13 “(v) a nonincome related change in
14 status; or

15 “(vi) other reasons;

16 during the period for which such information is re-
17 quired to be submitted.

18 “(3) SUBMISSION TO SECRETARY.—A State de-
19 scribed in paragraph (1) shall, on a quarterly basis,
20 submit to the Secretary the information required to
21 be collected under paragraph (2) and the number of
22 children and families receiving assistance under this
23 subchapter (stated on a monthly basis). Information
24 on the number of families receiving the assistance
25 shall also be posted on the website of such State. In

1 the fourth quarterly report of each year, a State de-
 2 scribed in paragraph (1) shall also submit to the
 3 Secretary information on the annual number and
 4 type of child care providers (as described in section
 5 658T(5)) that received funding under this sub-
 6 chapter and the annual number of payments made
 7 by the State through vouchers, under contracts, or
 8 by payment to parents reported by type of child care
 9 provider.

10 “(4) USE OF SAMPLES.—

11 “(A) AUTHORITY.—A State may comply
 12 with the requirement to collect the information
 13 described in paragraph (2) through the use of
 14 disaggregated case record information on a
 15 sample of families selected through the use of
 16 scientifically acceptable sampling methods ap-
 17 proved by the Secretary.

18 “(B) SAMPLING AND OTHER METHODS.—

19 The Secretary shall provide the States with
 20 such case sampling plans and data collection
 21 procedures as the Secretary determines nec-
 22 essary to produce statistically valid samples of
 23 the information described in paragraph (2). The
 24 Secretary may develop and implement proce-

1 dures for verifying the quality of data sub-
2 mitted by the States.”.

3 (c) PERIOD OF COMPLIANCE AND WAIVERS.—

4 (1) IN GENERAL.—States shall have 2 years
5 from the date of enactment of this Act to comply
6 with the changes to data collection and reporting re-
7 quired by the amendments made by this section.

8 (2) WAIVERS.—The Secretary of Health and
9 Human Services may grant a waiver from paragraph
10 (1) to States with plans to procure data systems.

11 **SEC. 108. NATIONAL ACTIVITIES.**

12 Section 658L of the Child Care and Development
13 Block Grant Act of 1990 (42 U.S.C. 9858j) is amended
14 to read as follows:

15 **“SEC. 658L. NATIONAL ACTIVITIES.**

16 “(a) REPORT.—

17 “(1) IN GENERAL.—The Secretary shall, not
18 later than April 30, 2006, and annually thereafter,
19 prepare and submit to the Committee on Education
20 and the Workforce of the House of Representatives
21 and the Committee on Health, Education, Labor,
22 and Pensions of the Senate, and, not later than 30
23 days after the date of such submission, post on the
24 Department of Health and Human Services website,
25 a report that contains the following:

1 “(A) A summary and analysis of the data
2 and information provided to the Secretary in
3 the State reports submitted under sections
4 658E, 658G(c), and 658K.

5 “(B) Aggregated statistics on and an anal-
6 ysis of the supply of, demand for, and quality
7 of child care, early education, and nonschool-
8 hour programs.

9 “(C) An assessment and, where appro-
10 priate, recommendations for Congress con-
11 cerning efforts that should be undertaken to
12 improve the access of the public to quality and
13 affordable child care in the United States.

14 “(D) A progress report describing the
15 progress of the States in streamlining data re-
16 porting, the Secretary’s plans and activities to
17 provide technical assistance to States, and an
18 explanation of any barriers to getting data in
19 an accurate and timely manner.

20 “(2) COLLECTION OF INFORMATION.—The Sec-
21 retary may make arrangements with resource and
22 referral organizations, to utilize the child care data
23 system of the resource and referral organizations at
24 the national, State, and local levels, to collect the in-
25 formation required by paragraph (1)(B).

1 “(b) GRANTS TO IMPROVE QUALITY AND ACCESS.—

2 “(1) IN GENERAL.—The Secretary shall award
3 grants to States, from allotments made under para-
4 graph (2), to improve the quality of and access to
5 child care for infants and toddlers, subject to the
6 availability of appropriations for this purpose.

7 “(2) ALLOTMENTS.—From funds reserved
8 under section 658O(a)(3) for a fiscal year, the Sec-
9 retary shall allot to each State an amount that bears
10 the same relationship to such funds as the amount
11 the State receives for the fiscal year under section
12 658O bears to the amount all States receive for the
13 fiscal year under section 658O.

14 “(c) TOLL-FREE HOTLINE.—The Secretary shall
15 award a grant or contract, or enter into a cooperative
16 agreement for the operation of a national toll-free hotline
17 to assist families in accessing local information on child
18 care options and providing consumer education materials,
19 subject to the availability of appropriations for this pur-
20 pose.

21 “(d) TECHNICAL ASSISTANCE.—The Secretary shall
22 provide technical assistance to States on developing and
23 conducting the State market rates survey described in sec-
24 tion 658E(c)(4)(A)(i).”.

1 **SEC. 109. ALLOCATION OF FUNDS FOR INDIAN TRIBES,**
 2 **QUALITY IMPROVEMENT, AND A HOTLINE.**

3 (a) IN GENERAL.—Section 658O(a) of the Child Care
 4 and Development Block Grant Act of 1990 (42 U.S.C.
 5 9858m(a)) is amended—

6 (1) in paragraph (2), by striking “not less than
 7 1 percent, and not more than 2 percent,” and insert-
 8 ing “2 percent”; and

9 (2) by adding at the end the following:

10 “(3) GRANTS TO IMPROVE QUALITY AND AC-
 11 CESS.—The Secretary shall reserve an amount not
 12 to exceed \$100,000,000 for each fiscal year to carry
 13 out section 658L(b), subject to the availability of ap-
 14 propriations for this purpose.

15 “(4) TOLL-FREE HOTLINE.—The Secretary
 16 shall reserve an amount not to exceed \$1,000,000 to
 17 carry out section 658L(c), subject to the availability
 18 of appropriations for this purpose.”.

19 (b) CONFORMING AMENDMENT.—Section 658O(c)(1)
 20 of the Child Care and Development Block Grant Act of
 21 1990 (42 U.S.C. 9858m(c)(1)) is amended by inserting
 22 “(in accordance with the requirements of subparagraphs
 23 (E) and (F) of section 658E(c)(2) for such tribes or orga-
 24 nizations)” after “applications under this section”.

1 **SEC. 110. DEFINITIONS.**

2 (a) ELIGIBLE CHILD.—Section 658P(4) of the Child
3 Care and Development Block Grant Act of 1990 (42
4 U.S.C. 9858n(4)) is amended—

5 (1) in subparagraph (B), in the matter pre-
6 ceding clause (i), by striking “85 percent of the
7 State median income for a family of the same size”
8 and inserting “an income level determined by the
9 State involved, with priority based on need as de-
10 fined by the State”; and

11 (2) in subparagraph (C)—

12 (A) in clause (i), by striking “a parent or
13 parents” and inserting “a parent (including a
14 legal guardian or foster parent) or parents”;
15 and

16 (B) by striking clause (ii) and inserting the
17 following:

18 “(ii)(I) is receiving, or needs to re-
19 ceive, protective services (which may in-
20 clude foster care) or is a child with signifi-
21 cant cognitive or physical disabilities as de-
22 fined by the State; and

23 “(II) resides with a parent (including
24 a legal guardian or foster parent) or par-
25 ents not described in clause (i).”.

1 (b) CHILD WITH SPECIAL NEEDS.—Section 658P of
 2 the Child Care and Development Block Grant Act of 1990
 3 (42 U.S.C. 9858n) is amended by inserting after para-
 4 graph (2) the following:

5 “(3) CHILD WITH SPECIAL NEEDS.—The term
 6 ‘child with special needs’ means—

7 “(A) a child with a disability, as defined in
 8 section 602 of the Individuals with Disabilities
 9 Education Act;

10 “(B) a child who is eligible for early inter-
 11 vention services under part C of the Individuals
 12 with Disabilities Education Act; and

13 “(C) a child with special needs, as defined
 14 by the State involved.”.

15 (c) LEAD AGENCY.—Section 658P(8) of the Child
 16 Care and Development Block Grant Act of 1990 (42
 17 U.S.C. 9858n(8)) is amended by striking “section
 18 658B(a)” and inserting “section 658D(a)”.

19 (d) PARENT.—Section 658P(9) of the Child Care and
 20 Development Block Grant Act of 1990 (42 U.S.C.
 21 9858n(9)) is amended by inserting “, foster parent,” after
 22 “guardian”.

23 (e) NATIVE HAWAIIAN ORGANIZATION.—Section
 24 658P(14)(B) of the Child Care and Development Block
 25 Grant Act of 1990 (42 U.S.C. 9858n(14)(B)) is amended

1 by striking “Native Hawaiian Organization, as defined in
 2 section 4009(4) of the Augustus F. Hawkins-Robert T.
 3 Stafford Elementary and Secondary School Improvement
 4 Amendments of 1988 (20 U.S.C. 4909(4))” and inserting
 5 “Native Hawaiian organization, as defined in section 7207
 6 of the Elementary and Secondary Education Act of 1965
 7 (20 U.S.C. 7517)”.

8 (f) REDESIGNATION.—The Child Care and Develop-
 9 ment Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)
 10 is amended—

11 (1) by redesignating section 658P as section
 12 658T; and

13 (2) by moving that section 658T to the end of
 14 the Act.

15 **SEC. 111. RULES OF CONSTRUCTION.**

16 The Child Care and Development Block Grant Act
 17 of 1990 (as amended by section 110(f)) is further amend-
 18 ed by inserting after section 658O (42 U.S.C. 9858m) the
 19 following:

20 **“SEC. 658P. RULES OF CONSTRUCTION.**

21 “Nothing in this subchapter shall be construed to re-
 22 quire a State to impose State child care licensing require-
 23 ments on any type of early childhood provider, including
 24 any such provider who is exempt from State child care

1 licensing requirements on the date of enactment of the
 2 Caring for Children Act of 2005.”.

3 **TITLE II—ENHANCING SECURITY**
 4 **AT CHILD CARE CENTERS IN**
 5 **FEDERAL FACILITIES**

6 **SEC. 201. DEFINITIONS.**

7 In this title:

8 (1) ADMINISTRATOR.—The term “Adminis-
 9 trator” means the Administrator of General Serv-
 10 ices.

11 (2) CORRESPONDING CHILD CARE FACILITY.—
 12 The term “corresponding child care facility”, used
 13 with respect to the Chief Administrative Officer of
 14 the House of Representatives, the Librarian of Con-
 15 gress, or the head of a designated entity in the Sen-
 16 ate, means a child care facility operated by, or under
 17 a contract or licensing agreement with, an office of
 18 the House of Representatives, the Library of Con-
 19 gress, or an office of the Senate, respectively.

20 (3) ENTITY SPONSORING A CHILD CARE FACIL-
 21 ITY.—The term “entity sponsoring”, used with re-
 22 spect to a child care facility, means a Federal agen-
 23 cy that operates, or an entity that enters into a con-
 24 tract or licensing agreement with a Federal agency

1 to operate, a child care facility primarily for the use
 2 of Federal employees.

3 (4) EXECUTIVE AGENCY.—The term “Executive
 4 agency” has the meaning given the term in section
 5 105 of title 5, United States Code, except that the
 6 term—

7 (A) does not include the Department of
 8 Defense and the Coast Guard; and

9 (B) includes the General Services Adminis-
 10 tration, with respect to the administration of a
 11 facility described in paragraph (5)(B).

12 (5) EXECUTIVE FACILITY.—The term “execu-
 13 tive facility”—

14 (A) means a facility that is owned or
 15 leased by an Executive agency; and

16 (B) includes a facility that is owned or
 17 leased by the General Services Administration
 18 on behalf of a judicial office.

19 (6) FEDERAL AGENCY.—The term “Federal
 20 agency” means an Executive agency, a legislative of-
 21 fice, or a judicial office.

22 (7) JUDICIAL FACILITY.—The term “judicial fa-
 23 cility” means a facility that is owned or leased by a
 24 judicial office (other than a facility that is also a fa-
 25 cility described in paragraph (5)(B)).

1 (8) JUDICIAL OFFICE.—The term “judicial of-
 2 fice” means an entity of the judicial branch of the
 3 Federal Government.

4 (9) LEGISLATIVE FACILITY.—The term “legisla-
 5 tive facility” means a facility that is owned or leased
 6 by a legislative office.

7 (10) LEGISLATIVE OFFICE.—The term “legisla-
 8 tive office” means an entity of the legislative branch
 9 of the Federal Government.

10 **SEC. 202. ENHANCING SECURITY.**

11 (a) COVERAGE.—

12 (1) EXECUTIVE BRANCH.—The Administrator
 13 shall issue the regulations described in subsection
 14 (b) for child care facilities, and entities sponsoring
 15 child care facilities, in executive facilities.

16 (2) LEGISLATIVE BRANCH.—The Chief Admin-
 17 istrative Officer of the House of Representatives, the
 18 Librarian of Congress, and the head of a designated
 19 entity in the Senate shall issue the regulations de-
 20 scribed in subsection (b) for corresponding child care
 21 facilities, and entities sponsoring the corresponding
 22 child care facilities, in legislative facilities.

23 (3) JUDICIAL BRANCH.—The Director of the
 24 Administrative Office of the United States Courts
 25 shall issue the regulations described in subsection

1 (b) for child care facilities, and entities sponsoring
2 child care facilities, in judicial facilities.

3 (b) REGULATIONS.—The officers and designated en-
4 tity described in subsection (a) shall issue regulations that
5 concern—

6 (1) matters relating to an occupant emergency
7 plan and evacuations, such as—

8 (A) providing for building security com-
9 mittee membership for each director of a child
10 care facility described in subsection (a);

11 (B) establishing a separate section in an
12 occupant emergency plan for each such facility;

13 (C) promoting familiarity with procedures
14 and evacuation routes for different types of
15 emergencies (such as emergencies caused by
16 hazardous materials, a fire, a bomb threat, a
17 power failure, or a natural disaster);

18 (D) strengthening onsite relationships be-
19 tween security personnel and the personnel of
20 such a facility, such as by ensuring that the
21 post orders of guards reflect responsibility for
22 the facility;

23 (E) providing specific, clear, and concise
24 evacuation instructions for a facility, including

1 instructions specifying who authorizes an evacu-
2 ation;

3 (F) providing for good evacuation equip-
4 ment, especially cribs; and

5 (G) promoting the ability to evacuate with-
6 out outside assistance; and

7 (2) matters relating to relocation sites, such
8 as—

9 (A) promoting an informed parent body
10 that is knowledgeable about evacuation proce-
11 dures and relocation sites;

12 (B) providing regularly updated parent
13 contact information (regarding matters such as
14 names, locations, electronic mail addresses, and
15 cell phone and other telephone numbers);

16 (C) establishing remote telephone contact
17 for parents, to and from areas that are not less
18 than 10 miles from such a facility; and

19 (D) providing for an alternate site (in ad-
20 dition to regular sites) in the event of a catas-
21 trophe, which site may include—

22 (i) a site that would be an unreason-
23 able distance from the facility under nor-
24 mal circumstances; and

- 1 (ii) a facility with 24-hour operations,
 2 such as a hotel or law school library.

3 **TITLE III—REMOVAL OF BAR-**
 4 **RIERS TO INCREASING THE**
 5 **SUPPLY OF QUALITY CHILD**
 6 **CARE**

7 **SEC. 301. SMALL BUSINESS CHILD CARE GRANT PROGRAM.**

8 (a) ESTABLISHMENT.—The Secretary of Health and
 9 Human Services (referred to in this section as the “Sec-
 10 retary”) shall establish a program to award grants to
 11 States, on a competitive basis, to assist States in providing
 12 funds to encourage the establishment and operation of em-
 13 ployer-operated child care programs.

14 (b) APPLICATION.—To be eligible to receive a grant
 15 under this section, a State shall prepare and submit to
 16 the Secretary an application at such time, in such manner,
 17 and containing such information as the Secretary may re-
 18 quire, including an assurance that the funds required
 19 under subsection (e) will be provided.

20 (c) AMOUNT OF GRANT.—The Secretary shall deter-
 21 mine the amount of a grant to a State under this section
 22 based on the population of the State as compared to the
 23 population of all States receiving grants under this sec-
 24 tion.

25 (d) USE OF FUNDS.—

1 (1) IN GENERAL.—A State shall use amounts
2 provided under a grant awarded under this section
3 to provide assistance to small businesses (or con-
4 sortia formed in accordance with paragraph (3)) lo-
5 cated in the State to enable the small businesses (or
6 consortia) to establish and operate child care pro-
7 grams. Such assistance may include—

8 (A) technical assistance in the establish-
9 ment of a child care program;

10 (B) assistance for the startup costs related
11 to a child care program;

12 (C) assistance for the training of child care
13 providers;

14 (D) scholarships for low-income wage earn-
15 ers;

16 (E) the provision of services to care for
17 sick children or to provide care to school-aged
18 children;

19 (F) the entering into of contracts with
20 local resource and referral or local health de-
21 partments;

22 (G) assistance for care for children with
23 disabilities;

24 (H) payment of expenses for renovation or
25 operation of a child care facility; or

1 (I) assistance for any other activity deter-
2 mined appropriate by the State.

3 (2) APPLICATION.—In order for a small busi-
4 ness or consortium to be eligible to receive assistance
5 from a State under this section, the small business
6 involved shall prepare and submit to the State an
7 application at such time, in such manner, and con-
8 taining such information as the State may require.

9 (3) PREFERENCE.—

10 (A) IN GENERAL.—In providing assistance
11 under this section, a State shall give priority to
12 an applicant that desires to form a consortium
13 to provide child care in a geographic area with-
14 in the State where such care is not generally
15 available or accessible.

16 (B) CONSORTIUM.—For purposes of sub-
17 paragraph (A), a consortium shall be made up
18 of 2 or more entities that shall include small
19 businesses and that may include large busi-
20 nesses, nonprofit agencies or organizations,
21 local governments, or other appropriate entities.

22 (4) LIMITATION.—With respect to grant funds
23 received under this section, a State may not provide
24 in excess of \$500,000 in assistance from such funds
25 to any single applicant.

1 (e) MATCHING REQUIREMENT.—To be eligible to re-
 2 ceive a grant under this section, a State shall provide as-
 3 surances to the Secretary that, with respect to the costs
 4 to be incurred by a covered entity receiving assistance in
 5 carrying out activities under this section, the covered enti-
 6 ty will make available (directly or through donations from
 7 public or private entities) non-Federal contributions to
 8 such costs in an amount equal to—

9 (1) for the first fiscal year in which the covered
 10 entity receives such assistance, not less than 50 per-
 11 cent of such costs (\$1 for each \$1 of assistance pro-
 12 vided to the covered entity under the grant);

13 (2) for the second fiscal year in which the cov-
 14 ered entity receives such assistance, not less than
 15 $66\frac{2}{3}$ percent of such costs (\$2 for each \$1 of assist-
 16 ance provided to the covered entity under the grant;
 17 and

18 (3) for the third fiscal year in which the covered
 19 entity receives such assistance, not less than 75 per-
 20 cent of such costs (\$3 for each \$1 of assistance pro-
 21 vided to the covered entity under the grant.

22 (f) REQUIREMENTS OF PROVIDERS.—To be eligible
 23 to receive assistance under a grant awarded under this
 24 section, a child care provider shall comply with all applica-
 25 ble State and local licensing and regulatory requirements

1 and all applicable health and safety standards in effect
2 in the State.

3 (g) STATE-LEVEL ACTIVITIES.—A State may not re-
4 tain more than 3 percent of the amount described in sub-
5 section (c) for State administration and other State-level
6 activities.

7 (h) ADMINISTRATION.—

8 (1) STATE RESPONSIBILITY.—A State shall
9 have responsibility for administering a grant award-
10 ed for the State under this section and for moni-
11 toring covered entities that receive assistance under
12 such grant.

13 (2) AUDITS.—A State shall require each cov-
14 ered entity receiving assistance under the grant
15 awarded under this section to conduct an annual
16 audit with respect to the activities of the covered en-
17 tity. Such audits shall be submitted to the State.

18 (3) MISUSE OF FUNDS.—

19 (A) REPAYMENT.—If the State determines,
20 through an audit or otherwise, that a covered
21 entity receiving assistance under a grant award-
22 ed under this section has misused the assist-
23 ance, the State shall notify the Secretary of the
24 misuse. The Secretary, upon such a notifica-
25 tion, may seek from such a covered entity the

1 repayment of an amount equal to the amount
2 of any such misused assistance plus interest.

3 (B) APPEALS PROCESS.—The Secretary
4 shall by regulation provide for an appeals proc-
5 ess with respect to repayments under this para-
6 graph.

7 (i) REPORTING REQUIREMENTS.—

8 (1) 2-YEAR STUDY.—

9 (A) IN GENERAL.—Not later than 2 years
10 after the date on which the Secretary first
11 awards grants under this section, the Secretary
12 shall conduct a study to determine—

13 (i) the capacity of covered entities to
14 meet the child care needs of communities
15 within States;

16 (ii) the kinds of consortia that are
17 being formed with respect to child care at
18 the local level to carry out programs fund-
19 ed under this section; and

20 (iii) who is using the programs funded
21 under this section and the income levels of
22 such individuals.

23 (B) REPORT.—Not later than 28 months
24 after the date on which the Secretary first
25 awards grants under this section, the Secretary

1 shall prepare and submit to the appropriate
2 committees of Congress a report on the results
3 of the study conducted in accordance with sub-
4 paragraph (A).

5 (2) 4-YEAR STUDY.—

6 (A) IN GENERAL.—Not later than 4 years
7 after the date on which the Secretary first
8 awards grants under this section, the Secretary
9 shall conduct a study to determine the number
10 of child care facilities that are funded through
11 covered entities that received assistance through
12 a grant awarded under this section and that re-
13 main in operation, and the extent to which such
14 facilities are meeting the child care needs of the
15 individuals served by such facilities.

16 (B) REPORT.—Not later than 52 months
17 after the date on which the Secretary first
18 awards grants under this section, the Secretary
19 shall prepare and submit to the appropriate
20 committees of Congress a report on the results
21 of the study conducted in accordance with sub-
22 paragraph (A).

23 (j) DEFINITIONS.—In this section:

1 (1) COVERED ENTITY.—The term “covered en-
 2 tity” means a small business or a consortium formed
 3 in accordance with subsection (d)(3).

4 (2) SMALL BUSINESS.—The term “small busi-
 5 ness” means an employer who employed an average
 6 of at least 2 but not more than 50 employees on
 7 business days during the preceding calendar year.

8 (k) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There is authorized to be
 10 appropriated to carry out this section, \$50,000,000
 11 for the period of fiscal years 2006 through 2010.

12 (2) EVALUATIONS AND ADMINISTRATION.—
 13 With respect to the total amount appropriated for
 14 such period in accordance with this subsection, not
 15 more than \$2,500,000 of that amount may be used
 16 for expenditures related to conducting evaluations
 17 required under, and the administration of, this sec-
 18 tion.

19 (l) TERMINATION OF PROGRAM.—The program es-
 20 tablished under subsection (a) shall terminate on Sep-
 21 tember 30, 2010.

○